UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK OTIS DUFFY, Plaintiff, BOSLEY INC., d/b/a BOSLEY MEDICAL BEVERLY HILLS Defendant.

WAIN DOCUMENT ECTRONICALLY FILED

ECF Case

Civil Case No: 10-CV-1572 (LTS) (JCF)

JOINT STIPULATION OF DISMISSAL

The parties, by their attorneys, and pursuant to Fed. R. Civ. P. 41(a)(1), have stipulated and agreed and jointly request that the Court enter an Order dismissing this case with prejudice, all matters in controversy having been settled, compromised and adjourned, with each party to bear its own costs and fees.

Dated: September 21, 2010 New York, New York

Respectfully Submitted,

AKIN & SMITH, LLC

Derek T. Smith 30 Broad Street, 35th Floor New York, New York 10004

(212) 587-0760

Attorneys for Plaintiff

SEYFARTH SHAW LLP

Alysa M. Barancik Hema Chatlani 620 Eighth Avenue New York, New York 10018

(212) 218-5500

Attorneys for Defendant

SO ORIBERTEL

The Honorable Laura Taylor Swain

United States District Judge